

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SEATTLE AUDUBON SOCIETY, et al.,

Plaintiffs,

v.

DOUG SUTHERLAND, et al.,

Defendants.

No. C06-1608MJP

ORDER REGARDING AUDUBON'S
MOTION IN LIMINE TO EXCLUDE
TESTIMONY OF ALLEGED
ECONOMIC IMPACT OF
INJUNCTION

This matter comes before the Court on Plaintiffs' motion *in limine* for an order precluding any Defendant from presenting evidence or argument about (1) the alleged hardship that the granting of a preliminary injunction would cause; and (2) the effect the grant of the injunction would have on the State as a result of forest landowners' potential Fifth Amendment takings claims. (Dkt. No. 167.) Defendants and Intervenors oppose the motion. (Dkt. Nos. 193, 195, 196.)

The motion is DENIED without prejudice. Plaintiffs may make these objections at the preliminary injunction hearing if and when Defendants attempt to introduce evidence or argument related to these issues.

The clerk is instructed to distribute copies of this order to all counsel of record.

Dated: June 13th, 2007.



Marsha J. Pechman
United States District Judge